

US Sanctions Cuba 'to Bring About Hunger, Desperation and the Overthrow of the Government'

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1 Introduction

The United States 'embargo' of Cuba, officially imposed since 1962, constitutes the longest and most extensive system of unilateral sanctions applied against any country in modern history. It is not merely a legal or a bilateral issue, as many of its proponents have claimed. It is a key instrument in the US toolkit to pursue regime change on the island. It is an act of war, a violation of human rights, designed to obstruct Cuban development, to undermine its example as a revolutionary alternative, and to intentionally cause suffering among the Cuban people. While the pretext for US actions against Cuba has changed over the last six decades, the objectives have not.

The driving motivations of the United States' post-1959 Cuba policy are established in the secret one-page memorandum written by Lester Mallory, US Deputy Assistant Secretary of State for Inter-American Affairs, on 6 April 1960. Under the subject title, 'The Decline and Fall of Castro', Mallory wrote:

Salient considerations respecting the life of the present Government of Cuba are: 1. The majority of Cubans support Castro...2. There is no effective political opposition. 3. Fidel Castro and other members of the Cuban Government espouse or condone communist influence. 4. Communist influence is pervading the Government and the body politic at an amazingly fast rate. 5. Militant opposition to Castro from without Cuba would only serve his and the communist cause. 6. The only foreseeable means of alienating internal support is through disenchantment and disaffection based on economic dissatisfaction and hardship.

MALLORY 1960

The CIA had already launched operations against Cuba's revolutionary government, in the second half of 1959, orchestrating acts of terrorism and sabotage and recruiting Cubans on the island as agents. But clearly, they were

considered ineffective. How would the population be turned against the Cuban Revolution? Mallory proposed: ‘that every possible means should be undertaken promptly to weaken the economic life of Cuba...denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government’ (Mallory 1960). The human rights of the Cuban population were not on the radar. Furthermore, although Cuba’s revolutionary government had already carried out the Agrarian Reform in 1959, confiscating unproductive plantations over 1,000 acres, and in January 1960, expropriated 70,000 acres from US sugar companies, Mallory does not frame sanctions as retaliation for nationalisation, or to pressure the government over the issue compensation; a claim subsequently made to justify the US ‘embargo’ in international law (White 2019). The concern expressed is over communist influence, not nationalisations.

One year later, on 16 April 1961, ‘communist influence’ was confirmed when, on the eve of the invasion at the Bay of Pigs/Playa Giron, Fidel Castro announced: “This is what they cannot forgive...that we have carried out a socialist revolution right under the nose of the United States!” (Castro 1961). The early measures of Cuba’s new revolutionary state (693 new laws, resolutions and decrees in 1959, 229 more in 1960 and 93 in 1961, according to Valdés (2003, 2)) rapidly encroached on private interests, domestic and foreign, dismantling the economic and political institutions of the old Cuba, a US client state, building new institutions, power structures and social relations, adopting a centrally planned socialist economy and founding the organisations of the masses. Notably, while it was the threat of communism, in the context of broader geopolitical factors, that marked Cuba as a target for US sanctions, it was the adoption of socialism, and the shift to trade with the USSR and the socialist bloc countries, which enabled Cuba to survive the economic devastation wrecked on the island by the US blockade.

2 US Embargo? US Blockade?

This chapter refers to US sanctions against Cuba as a ‘blockade’, even while citing US legislation which states that it is an ‘embargo’. The difference in terminology is political and has implications for whether US sanctions are regarded as legally justified and a bilateral issue, or whether they are regarded as an act of war. Formally, an embargo is when one nation establishes a policy not to trade with another nation and not to allow its own ports or territory to be used for commerce with that nation. It is usually a penalty in response to some action. Establishment of an embargo is the prerogative of any nation. A blockade is

when a country uses a military threat or force to close the coast of another entity to international commerce; it prevents third parties from undertaking normal commercial activity. A blockade is an act of war rather than a country exercising its own prerogatives. However, as international law scholar Nigel White concludes: “While the US measures against Cuba do not amount to a blockade in a technical or formal sense, their cumulative effect is to put an economic stranglehold on the island, which not only prevents the United States intercourse but also effectively blocks commerce with other states, their citizens and companies” (White 2019, p. 163, fn. 1; Davalos Fernandez 2012). The United State imposes a blockade on Cuba.

3 A History of Incremental Sanctions

In July 1960, three months after Mallory’s memorandum, President Eisenhower used the Export Control Act of 1949 to cut Cuban sugar exports to the United States purportedly in response to Cuba’s nationalisations of US sugar interests in Cuba. Cuba responded with further nationalisations of US businesses whose owners were instructed by the US government to reject Cuban offers of compensation. To comprehend how devastating a measure this was intended to be it is necessary recall that Cuba had a monocrop economy dependent on sugar exports to the United States. Cuba was the world’s largest producer and exporter of sugar in the 1950s. Sugar and its by-products accounted for 86% of exports, and 80% of Cuban sugar exports were shipped to the US. The USSR stepped in to purchase all sugar exports dropped from the United States. The successive tit-for-tat retaliations between the Cuban and US governments has been well-documented (Franklin 1997). It culminated in a full diplomatic and economic rupture between the countries on January 03, 1961.

Subsequent to those first sanctions, the US blockade of Cuba has been enforced through six main statutes: section 5(b) of the 1917 Trading with the Enemy Act; section 620(a) of the 1961 Foreign Assistance Act; the 1963 Cuban Assets Control Regulations; the 1992 Cuban Democracy Act, known as the Torricelli Act; the 1996 Cuban Liberty and Democratic Solidarity (Libertad) Act, known as the Helms-Burton Act; and the 2000 Trade Sanctions Reform and Export Enhancement Act (Amnesty International 2009, p. 7). The scope of these regulations is outlined below. These sanctions have been targeted at key economic and strategy areas of development in Cuba; sugar and nickel exports, tourism and, more recently, biotechnology, as Joy Gordon points out, adding, “and the projects that could significantly change Cuba’s economic

prospects, such as oil drilling and major infrastructural improvements” (Gordon 2016, 477).

In January 1961, President Eisenhower’s administration considered sanctioning Cuba under the (1917) Trading with the Enemy Act (TWEA), which prohibits, limits or regulates trade and financial transactions, including those related to travel, transport or business, in times of war or when a national emergency has been declared.¹ This legislation was invoked in 1963 under President Kennedy. Today, Cuba remains the only country in the world subject to US sanctions under the TWEA, which is extended yearly by presidential signature. President Obama did this in 2015 and 2016, confirming Cuba’s status as an official ‘enemy’, despite restoring diplomatic relations with Cuba and declaring his opposition to the US blockade.

In September 1961, the US Congress approved the Foreign Assistance Act, to restructure US overseas support, distinguishing between military and non-military ‘aid’, and setting up the United States Agency for International Development (USAID) to manage the latter.² Section 620 of the Act states: ‘No assistance shall be furnished under this Act to the present government of Cuba. As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.’ The pretext was the issue of “equitable compensation to citizens and entities for property taken... by the Government of Cuba” (Foreign Assistance Act of 1961, 219). The Act goes on to prohibit assistance “to any Communist country” and other countries assisting Cuba, thus already endowing US sanctions with

1 The Amnesty International report suggests that Eisenhower suspended trade with Cuba under the Trading with the Enemy Act in January 1961. *US Embargo Against Cuba*, 7. However, according to Benjamin A. Coates the Eisenhower administration discussed the idea but left the decision for the incoming administration of Kennedy, ‘The Secret Life of Statutes: A Century of the Trading with the Enemy Act’ in *Modern American History*, 1, 2018. Evidence for this version appears in a memorandum by US Secretary of State, Christian A. Herter, to President Eisenhower, 5 January 1961. Available here, <https://history.state.gov/historicaldocuments/frus1961-63v10/d12>. Section 5(b) of the Trading with the Enemy Act was added by US Congress in 1933.

2 The backdrop to this was US President John F. Kennedy’s ‘Alliance for Progress’ a ten-year plan launched in August 1961 in which the United States committed to invest \$20 billion in Latin American development (and security), with a further \$80 billion pledged by regional governments. This was motivated by Kennedy’s fear that the Cuban Revolution would inspire neighbouring countries to address the continents’ poor socio-economic conditions through revolutionary means. By alleviating the worst of those conditions, the Alliance would undermine the potential for revolution, and tie Latin American development to US institutions and interests.

an extraterritorial character. On 3 February 1962, eight months before Soviet missiles were deployed in Cuba, Kennedy issued Presidential Proclamation 3447, based on the Foreign Assistance Act, to suspend all trade with Cuba. This legislation remains in force.

By 1963 the Cuban Assets Controls Regulations (CACR) were issued under section 5(b) of the TWEA, with the expressed goal to “isolate the Cuban government economically and deprive it of U.S. dollars” (cited in Amnesty International, 2009, 8). Cuban assets in the United States were frozen, and all financial and commercial transactions were prohibited unless approved by a permit, as were the direct and indirect export of US products, services and technology to Cuba, while Cuban exports to the US were prohibited. Also banned were transactions in US dollars in Cuba by any citizen of the United States or any third country (Ministerio de Relaciones Exterior 2018). This was enforced by the US Treasury Department through penalties imposed for violations by its Office of Foreign Asset Controls. Penalties rose to a maximum ten years in prison, corporate fines of up to \$1 million and individual fines of up to \$250,000 with civil penalties up to \$55,000 (Amnesty International 2009).

These sanctions might have brought the Cuban Revolution to its knees. Since the Platt Amendment of 1901, followed by the Trade Reciprocity Treaty of 1904, the Jones-Costigan Sugar Act of 1934 (later the Sugar Act of 1937), US legislation in the early 20th century had fostered Cuba’s economic dependence on the United States, for trade, investment and loans. Meanwhile, the US dollar was established as the basis for international trade in 1944. The Soviet Union’s decision to step in and assist the Cubans, after Deputy Premier Anastas Mikoyan visited the island in February 1960, threw a lifeline to the revolutionary government. Cuba’s trade with the USSR and the socialist bloc, and its full integration from the mid-1970s into the Council for Mutual Economic Assistance, was not without problems from the technical, geographical, and economic perspective. However, there is no doubt that this was decisive for the survival of the Cuban revolution and cushioned the island from the impact of the United States blockade.

That came to an end, however, between 1989 and 1991, as the socialist bloc collapsed, generating a severe economic crisis as Cuba lost around 87% of its trade and investment. Cuba’s GDP nosedived by one-third in three years. The story of how Cuba’s socialist system survived this ‘Special Period’ of economic crisis is told elsewhere (Yaffe 2020). The Cuban economy was restructured for reintegration into a capitalist world market operating under neoliberalism and dominated by its nemesis, the United States. The Cubans demonstrated remarkable resilience and creativity, even while opponents in the United

States, government agencies and right-wing Cuban exiles, acted fast to hasten the Revolution's downfall.

In 1992, President George W. Bush signed the Cuban Democracy (Torricelli) Act. Its key sponsor, Democrat Congressman Robert Torricelli, boasted that the legislation would 'wreak havoc on that island' (Franklin 1994).³ The legislation prohibits foreign-based subsidiaries of US companies in third countries from trading with Cuba or with Cuban nationals, banned foreign ships docking in Cuba from entering US ports for six months, barred travel to Cuba by US citizens, and limited family remittances to the island. Foreign countries providing assistance to Cuba would be ineligible for foreign assistance and debt reduction or relief. The Torricelli Act declares medical goods can be exported to Cuba 'if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.' (HR 5323, 1992) Donations of medicines for humanitarian purposes can be made to NGOs, but not Cuba's public healthcare system. Exports must be granted an export licence, but applications for most goods 'are subject to a policy of denial' (Bureau of Industry and Security, n.d.). Section 6006 states that 'Food, medicine, and medical supplies for humanitarian purposes' can only be made when Cuba has taken steps to introduce what the US President deems were free and fair elections for a new government.

For sanctions to be waived, the President must report to Congress that, among other conditions, Cuba has 'held free and fair elections', 'is moving toward establishing a free market economic system' and 'has committed itself to constitutional change' (HR 5323, 1992). In imposing these conditions, the Torricelli Act blatantly violates the declaration of the United Nations General Assembly of December 1960, which states that: 'All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' (UN General Assembly 1960).

By 1996, Cuba had turned the corner in its economic crisis, returning to growth with new international partners investing in the tourism industry. This became a target for Cuba's opponents in the United States; government sanctions sought to block foreign investors and visitors, while militant Cuban

3 In 1988, Torricelli had visited and praised Cuba: 'Living standards are not high, but the homelessness, hunger and disease that is witnessed in much of Latin America does not appear evident'. After receiving generous campaign contributions from the Cuban American National Foundation, however, he sponsored the Cuban Democracy Act.

exiles sought to terrorise tourists through bombing campaigns. In March 1996, after Cuban military forces shot down exile flights invading Cuban airspace from the United States, President Bill Clinton signed the Cuban Liberty and Democratic Solidarity (Libertad) Act into law, known as the Helms-Burton Act for the names of the law's sponsors, Jesse Helms and Dan Burton (H.R.927, 1996). In addition to strengthening the extraterritorial character of the US blockade and planning the transition government in a post-Castro government, the Helms-Burton Act 'codified' the US blockade into law, so the capacity to lift the blockade now lies with Congress, not the US President.

The Helms-Burton Act has four titles: Title I: 'Strengthening international sanctions against the Castro government' reaffirms the CDA measures obstructing Cuba's trade with, or assistance from, third countries, with the threat of fines, and bars Cuba's membership of, or loans from, international financial institutions.⁴ Title II of the Act: 'Assistance to a free and independent Cuba', establishes the steps for lifting or suspending the US blockade, including 'democratic elections' in Cuba and the return to US nationals of property nationalised by the Cuban government after 1 January 1959 and 'ensure coordination between the US Government and the private sector in responding to change and promoting market-based development in Cuba'. It describes the humanitarian and economic assistance the US will provide to a transition government, 'economic, food, medicine, medical supplies and equipment'; essentials denied to the population under US sanctions.

Title III, 'Protection of property rights of United States Nationals' authorises US nationals with claims to nationalised property in Cuba to file suit in US courts against persons 'trafficking' in that property. A legal abnormality of this law is that it provides the protection of US courts to individuals who were not US citizens when their properties were nationalised but became US citizens after the event (Roy 1997, 83). Title IV on 'Exclusion of certain aliens' allows foreigners and their families who are 'involved in the confiscation of property, or the trafficking in confiscated property...which is owned by a United States national' to be denied entry to the US.

4 Cuba is blocked from membership of the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency and the Inter-American Development Bank. Any loan or assistance provided by any of these institutions to the government of Cuba will result in the withholding of the same amount by the US Secretary of Treasury from payment to that institution. Amnesty International, *US Embargo Against Cuba*, 11.

4 International Repudiation

From the outset every US President suspended Title III beginning with six months by Clinton and subsequently on a biannual basis until Trump in 2019. This was a concession made in response to protests at the extraterritorial character of these unilateral sanctions, particularly Title III, from Canada and the European Union (EU), who adopted blocking and ‘claw-back’ legislation and threatened legal action within the North American Free Trade Agreement and the World Trade Organisation respectively (Smis and van der Borgt 1999, 228). On paper, EU and UK citizens and businesses complying with the 1996 Helms-Burton Act can be fined. But in April 1997 the EU and the US made a deal: the US would limit the impact of certain provisions on European companies and citizens and in return the EU agreed to freeze legal action in the WTO. The US would continue suspending Title III every six months, ‘so long as the EU and other allies continue their stepped up efforts to promote democracy in Cuba’ (*ibid.*, 232). In 1996, the EU adopted the Common Position on Cuba, “to encourage a process of transition to a pluralist democracy and respect for human rights and fundamental freedoms”.

Even with Title III suspended, the US Treasury’s Office of Foreign Asset Controls (OFAC) has issued million- and billion-dollar fines on banks and companies in third countries for dealings with Cuba, while in the EU and UK anti-US blockade legislation is not enforced.⁵ The United Nations advised member states to legislate against the US blockade’s extraterritorial reach, but no legal action was taken so international trade with Cuba was severely restricted. Since 1994, when it was first delivered, Cuba has received overwhelming support for its resolution to the United Nations General Assembly on ‘the need to put an end of the economic, commercial and financial blockade imposed by the United States against Cuba.’ The only steadfast opponents have been the United States and Israel and in 2016 even they abstained, while the rest of the world voted in support of Cuba.

In 2000 the TSRA was approved by the US Congress, authorising the sale of agricultural goods and medicines to Cuba for ‘humanitarian reasons’. In 2005, further US regulations stipulated that Cuba must pay for goods in full,

5 The only exception appears to be when in April 2016 a district court in Dortmund, Germany, issued an order against PayPal for applying US laws in the country. Details are included in *Cuba’s Report, On Resolution 70/5 of the United Nations General Assembly entitled “Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba”*, June 2016. <http://misiones.minrex.gob.cu/en/articulo/cubas-report-resolution-705-united-nations-general-assembly-entitled-necessity-ending>.

in cash, before shipment, with transactions made through banks in third countries. The Act also limited travel to Cuba by US citizens to 12 authorised categories requiring a licence. Amnesty notes that 'Although the TSRA contemplates the export of medicine, this legislation does not supersede the Cuban Democracy Act of 1992 and therefore the necessity of a presidential certificate through on-site verification remains in force.' (Amnesty International 2009, 11).

In addition to those six statutes other regulations have been applied (Ministerio de Relaciones Exterior 2018). Under the Export Administration Act of 1979, Cuba was included in a list of countries for which the US President could set special export controls on the basis of national security considerations. It established a general policy of refusal for exportation and re-exportation to Cuba up to the present (US Department of Commerce 2019). Section 211 of the Supplementary and Emergency Allocations Act for fiscal year 1999, prohibited recognition by US courts of the rights of Cuban companies on trademarks associated with nationalised properties.

The result is as complex web of overlapping legislation. 'Our legal consultants say nobody understands the embargo anymore, it's so many regulations accrued over so much time,' said Dr Kelvin Lee from Roswell Park Cancer Institute in New York state, outlining the challenges they faced in requesting authorisation to carry out clinical trials on Cuba's cancer immunotherapy CIMAVax-EGF during the second Obama administration. They had to meet with many federal authorities and state authorities to discuss whether collaboration was feasible, 'given the myriad laws bound up in the embargo' (Lee, Interview with author, 2017). And while they finally received authorisation for the trials, in general US citizens, and populations in other advanced capitalist countries, are denied access to the lifesaving and life-improving medicines produced by Cuba's world-leading biopharma sector (Yaffe 2020).

5 Republican? Democrat? Two Sides of the Same Coin

Given the comprehensive regime of sanctions already established, new laws have hardly been required since 2000, although 13 new Bills have been proposed by Cuban American politicians between 2013 and 2018 (Domínguez López and Barrera Rodríguez 2020). However, the implementation of sanctions, and associated fines by OFAC continued to increase post-2000. From January 2001–January 2020, US sanctions legislation was applied 121 times against Cuba, according to research by Cuban scholars Ernesto Domínguez López and Seida Barrera Rodríguez. Their analysis demonstrates how these were used as a political tool

to mobilise, award or compensate key electoral sectors (that is, the Cuban exile community which has huge political leverage in Florida, a decisive State in the US presidential race); sanctions were applied more frequently in electoral and post-electoral years (Domínguez López and Barrera Rodríguez 2020, 184). Under President George W Bush's administration from 2001, 38 sanctions were imposed in eight years, a rate of 4.75 per year. This rose to 51 during Obama's eight years from 2009, with 6.38 per year, and 32 in Trump's first three years, from 2017 to 2019, soaring to 10.67% per year (*ibid.*, 186). Most of these sanctions were what Domínguez López and Seida Rodríguez define as 'continuing' (ongoing) sanctions, for which legislation is introduced to revive existing sanctions. For example, third parties are prohibited from selling to Cuba equipment in which there are a proportion of US components; this proportion has fluctuated between 10% and 25%. The cap on remittances permitted by Cuban Americans has also fluctuated. The authors also identify the measures introduced to increase the 'flexibility', or reduce the reach, of sanctions: 11 under Bush; 42 under Obama (most in 2015 and 2016 following 'rapprochement') and 5 in Trump's first three years (*ibid.*, 184).

Meanwhile, since the 2000s there has been a renewed political onslaught to reinforce the pressure for regime change articulated in the Torricelli and Helms-Burton Acts. Sophisticated and multifaceted 'regime change' programmes were developed, from Clinton's 'People to People' programmes, to Bush's Plan for a Free Cuba, and Obama's 'civil society engagement' (Kornbluh and LeoGrande 2015). President Bush established a Commission for Assistance to a Free Cuba, 'to explore ways we can help hasten and ease Cuba's democratic transition.' (Powell 2004). The Commission's first report was published in May 2004 with over 450 pages of demonizing propaganda, plans for destabilisation, regime change and a tightly US-controlled transition to a 'democratic' capitalist Cuba. This required dismantling the socialist state apparatus, reorganising the economy and education system, and introducing multiparty elections from which Cuban communists and officials would be excluded.⁶ The report's flagrant violations of national sovereignty and international law sparked outrage, not least from within Cuba. The Commission's second report, published

6 The report recommended drawing on the experience of transitions to capitalism in Poland, Hungary and the Czech Republic, and targeting Cuban youth. 'The program could draw on youth organizations in Central and Eastern Europe, especially in Poland, the Czech Republic, Albania, Serbia, and others, to travel to Cuba to organize and conduct training, develop informational materials, and conduct other outreach. Many of these groups have been successfully involved in similar efforts in other countries and have expressed a commitment to doing the same in Cuba.' *Commission for Assistance*, 23.

in July 2006, recommended \$80 million be channelled into US programmes over the next two years to boost Cuban ‘civil society’ and plan for a post-Castro transition to capitalism, then \$20m to be spent annually ‘until the dictatorship ceases to exist’ (Commission for Assistance 2006).⁷ The report contained a ‘secret annexe’ classified for security reasons. Former President of Cuba’s National Assembly, Ricardo Alarcón asked reporters: ‘What on earth could the secret part say when the public part violates all kinds of international law?’ (cited in Goldenberg 2006).

Over several decades, Alarcón led the Cuban side in official and back-channel talks with the United States.⁸ This history has been detailed by US scholars William LeoGrande and Peter Kornbluh, who note that progress was scant while both sides imposed conditions (Kornbluh and LeoGrande 2015). The Cubans asserted that the US blockade must be lifted for Cuba and the United States to negotiate as equals. The United States placed preconditions just to talk about broader relations. ‘I don’t remember them ever saying “if you do this, we will lift the embargo”’, explained Alarcón (Interview with author, 2016). Only once both sides dropped preconditions could the restoration of diplomatic relations finally take place under President Barack Obama’s second term. Even then, Obama made clear that the objective of US policy had not changed, only the means to achieve it (Obama 2014).

6 **Obama’s Rapprochement: A Castle Made of Sand**

In December 2014, the Presidents of the United States and Cuba simultaneously announced that, following 18 months of secret talks, they had agreed to a rapprochement. Subsequently diplomatic relations were restored and embassies opened; the US removed Cuba from its list of states supporting terrorism; the Havana Club rum label was finally registered in the United States, resolving a 20-year-long ownership dispute instigated by the Bacardi Corporation; coast-guard cooperation issues were resolved; postal services and regular flights were

7 That level of annual expenditure in regime change programmes, euphemistically called ‘pro-democracy’ programmes has been maintained since then. In 2016, US journalist Tracey Eaton revealed that US government institutions had spent around \$1 billion on such programmes in the previous 20 years (Eaton 2016).

8 Ricardo Alarcón was Cuba’s Permanent Representative to the United Nations in New York, Minister of Foreign Relations and President of the National Assembly.

restored with restrictions on US citizens' travel to Cuba eased, although visits still required a license. High profile prisoner releases took place. Obama eliminated the 'wet foot, dry foot' policy, which encouraged illegal and dangerous emigration from Cuba. However, commercial and economic progress was minimal and financial restrictions remained. Obama used his executive powers to grant licences to selected US companies to operate in Cuba: six telecoms, four cruises, one hotel, eight airlines and two small banks. While the Helms-Burton Act codified the US blockade in law, Cuban officials claim that Obama could have done more to dismantle sanctions through decisive use of executive powers. Obama continued extend the Trading With the Enemy Act against Cuba. And while he issued regulations authorising financial institutions to provide Cuba with finance and credit, as long as Cuba remains on the list of countries under US sanctions, US and international banks remained too terrified of fines being imposed to try this. And with good reason, given his record-breaking sanctions list. Effectively, Cuba still could not use the dollar in the international economy, nor make deposits in international banks. Cuban goods still could not be exported to the United States.⁹

7 Trump Tightens the US Blockade

From 2017, the new President Donald Trump's administration ratcheted up hostility towards Cuba, with rhetoric reminiscent of the Cold War and an injurious tightening of the US blockade, particularly from autumn 2018. In spring 2019, Trump threatened to impose a 'full embargo' on Cuba unless it withdrew support to the Maduro government in Venezuela. Asked about this threat by US TV network MSNBC, Carlos Fernández de Cossío, Cuba's General Director of US Affairs pointed out: 'There is already a practically total embargo of Cuba. We've had it for over 60 years and it's been rejected, condemned by the UN almost unanimously for many years. What else can he do?' He was soon to find out as the Trump administration extended US sanctions to unprecedented levels, including threatening to fine shipping companies transporting Venezuelan oil to Cuba. This effectively generated a new energy crisis that briefly halted public transport and devastated agricultural production, as there was little fuel for tractors, replicating the severe economic crisis of the 1990s (Belly of the Beast 2020). The cost of finding unplanned,

9 The one exception was a shipment of 40 tons of artisanal charcoal produced by Cuban cooperative farms and imported in January 2017 by Scott Gilbert, the attorney who represented US government contractor Alan Gross, released from prison in Cuba in 2014.

unbudgeted replacement sources put terrible strain on the already weakened Cuban economy. The scenario was repeated in most sectors. Director of Cuba's Neuroscience Centre, Mitchell Valdes Sosa explained the revenues from Cuban medical products abroad, which are needed for investments into the island's healthcare sector, are obstructed because 'we cannot use the normal bank channels which are continuously blocked to us as part of the US persecution, that is trying to starve us into submission' (Interview with author, September 23, 2020).

In April 2019, on the 58th anniversary of the Bay of Pigs invasion in 1961, the Trump administration announced that Title III of the Helms-Burton Act would be enacted after 23 years of suspension; that 'U-turn financial transactions' (which Cuba's uses to circumvent sanctions and access hard currency and the US banking system) would be blocked; that non-family travel to the island would be limited; that remittances would be severely capped; and that visa restrictions would be enforced on foreigners 'trafficking in confiscated properties'. US Treasury Secretary, Steven Mnuchin declared: 'Treasury is denying Cuba access to hard currency, and we are curbing the Cuban government's bad behavior while continuing to support the long-suffering people of Cuba.' (US Department of Treasury 2019) The Monroe Doctrine, which stakes the United States claim to exclusive domination over the Americas against rival European powers, was declared alive and well (Newman 2019). The Trump administration introduced 242 new actions, sanctions and measures against Cuba and, in act of vindictiveness, returned Cuba to the list of state sponsors of terrorism just days before it ended.

8 Sanctions in a Time of Pandemic

The food, fuel, and medicine shortages suffered by Cubans because of US sanctions have been compounded by the pandemic since March 2020, which forced Cuba to close its borders, leading to a 75% fall in tourism, contributing towards an 11% fall in GDP in 2020. As the United Nations and other international bodies called for an end to sanctions that reduced the capacity for nations to respond effectively to the global health crisis, the Trump administration imposed more than 50 measures, actions, and sanctions. Unlike most countries, Cuba has no lender of last resort and no emergency funding to help it through crises. Rising at dawn to join queues for basic goods has become part of the daily grind for Cubans. Whilst dealing with the scarcity of resources and the huge mobilisation behind its regionally outstanding effort to control

COVID-19 at home, within a year Cuba had sent 57 brigades of medical specialists in disease control and disaster response to treat 1.26 million COVID-19 patients in 40 countries around the world, including in Europe.¹⁰ To US imperialism, Cuba continued to represent the threat of a good example in international solidarity.

The Cuban healthcare system and biopharma sectors are admired globally; but less well known are the obstacles they face from US sanctions. Valdes Sosa provides examples: Cuba bought Phillips CT scanners for their hospitals, but the manufacturers would not sell them spare parts because they had US components. Cuba's biotech system used a chromatographical system purchased from a Swedish company, LKB which 'overnight' was bought out by a US company that refused to sell Cuba inputs for the system. 'Immediately we had to change all the systems in the country', he explains. A similar situation occurred during the pandemic, this time with the ventilators, which were urgently needed, for intensive care units. Cuba's previous supplier, Swiss companies, IMTMedical and Acutronic were bought out by US company Vyair Medical which immediately cut sales to Cuba, even of spare parts for their existing machines (Valdes Sosa, interview with the author, 2020).

US sanctions and high international prices meant Cuba struggled to import PCR tests and PPE. Even donations were obstructed. Chinese billionaire, Jack Ma, co-founder of Alibaba Group, donated medical materials to Latin America, including Cuba, but the US airline transporting it could not land in Cuba to unload the cargo. Despite these obstacles, by April 2021, Cuba had five COVID-19 vaccines under clinical trials with two being rolled out nationally—the only country in the Americas, outside the United States, in that position. Cuba has made clear that these vaccines will be made available to the global south, bringing hope to millions. And yet the island is struggling to access cheap, and globally available syringes and equipment required for mass vaccinations, as well as US-manufactured reagents for their drugs. Crowdfunding pages set up by Cubans and solidarity activists overseas to support Cuba's efforts have been immediately closed—again due to US sanctions (Cubanos en UK 2021).

10 This act of solidarity was consistent with Cuba's astonishing record of medical internationalism. Prior to 2020, 400,000 Cuban medical professionals had already served overseas in 164 countries since 1960, providing healthcare that is free at the point of delivery. See Yaffe, chapter 5 'Cuban Medical Internationalism: An Army of Whitecoats' in *We Are Cuba!*

9 The Financial Cost of the Blockade to Cuba

In 2019, 88% of international transactions involved US dollars. The Wall Street Journal noted, 'That gives the US extraordinary power over nearly anyone who imports or exports anything anywhere' (Wall Street Journal 2020). US sanctions prohibit Cuba from using the US dollar in international trade or transactions through the international financial system. The island is obliged to purchase goods from third parties, or from far away, significantly increasing costs. While the Socialist bloc provided an alternative source of trade and investment for Cuba, between 1960 and 1990, the blockade was estimated to have cost Cuba (USD) \$30 billion, or \$1 billion annually. This rose to \$3 billion annually between 1990 and 1995 (equivalent to over 20% of GDP in 1993) and rising again after the Helms Burton Act came into force (Rodriguez 2013). By 2018, the National Association of Cuban Economists calculated the cost at \$4.4 billion annually, equivalent to \$12 million every day. In the 12 months from April 2019 to March 2020, as a consequence of the Trump sanctions, the cost soared to \$5 billion. In 2020, Cuba's report to the United Nations put the total cost of the US blockade at \$144 billion dollars over six decades. In mid-April 2021, in his final speech from a leadership position in Cuba, Raul Castro told the 8th Congress of the Cuban Communist Party that this 'financial persecution achieved the characteristics of a veritable witch hunt against Cuban transactions, damaging our capacity to pay for imported products and services' (Castro 2021).

10 The Human Cost of Sanctions

Reports by international bodies, particularly since the 1990s have documented the high cost in terms of human suffering, as do the Cuban government's annual reports to the United Nations.¹¹ These reports note that the United States' unilateral sanctions are a violation of international treaties and conventions because of both their effect on the population and their extraterritorial character. The blockade violates the Universal Declaration of Human Rights and

11 For example, American Association for World Health (AAWH), *Denial of Food and Medicine: The Impact of the US Embargo on Health and Nutrition in Cuba*, 1997; Cuba: Social Policy at the Crossroads: Maintaining Priorities, Transforming Practice, An Oxfam America Report, 2002; and Amnesty International, *US Embargo against Cuba*.

the UN's treaty on International Covenant on Economic, Social and Cultural Rights (ICESCR), which the United States has signed, but not ratified (Amnesty International 2009).

US/UK sanctions on Iraq in the 1990s were estimated to have killed 1.5 million civilians: an average of 150 children every day. Cuba has protected its population for this level of devastation. In 1997, the American Association for World Health (AAH) reported how, while the US blockade of Cuba contributed to malnutrition, poor water quality, lack of access to medicines and medical supplies, 'a humanitarian catastrophe has been averted only because the Cuban government has maintained a high level of budgetary support for a health care system designed to deliver primary and preventative medicine to all its citizens' (AAH 1997). In other words, the socialist state has mobilised scarce resources and directed production and distribution, which it controls through the centrally planned economy, to prioritise the welfare of the population. The situation is different in Venezuela, another of the 30 countries worldwide under US sanctions. Although Venezuela has an extensive state welfare system, much of the economy remains in private hands, which weakens the government's capacity to protect the population. Between 2014 and 2020, US sanctions on Venezuela were estimated to have caused the death of 100,000 people, as imports of key medicines and healthcare equipment were blocked and had cost the country \$120 billion. 'Ecuador would not survive for five months with the blockade [of Cuba]', acknowledged then-President of Ecuador, Rafael Correa in 2009 (Interview with author, 2009). How Cuba has survived should be examined and respected.

11 Sanctions under Biden?

That US President Biden had been Vice President to Obama during rapprochement gave hope to many that he would alleviate sanctions. By late-April 2021, the Biden administration had done nothing about Cuba beyond announcing that doing so was not a priority. Following the violent protests which took place in Cuba on 11 July 2021, the first such protests in 27 years, headed new sanctions on Cuba and gave instructions for further measures to be taken. US Attorney Robert L. Muse, an expert on US laws relating to Cuba, claims that 'the US President has the constitutional power to unilaterally terminate the embargo on Cuba', based upon the constitutional primacy of the president's office in managing US foreign relations (Muse 2020). Doing so, however, will require loosening the stranglehold of the right-wing Cuban exile community over US Cuba policy. There is new political movement among

Cuban Americas, mobilising alongside solidarity activists, who call on Biden to alleviate the suffering of their Cuban families on the island by eliminating sanctions. While they wait, however, Cubans continue to suffer from those measures.

The Cuban government describes the US blockade as 'genocidal'. For that claim to hold, according to Nigel White, 'it would be necessary to prove that the US government, or its leaders, had the intent to destroy, in whole or in part, the Cuban people' (White 2019, p. 177). Mallory's memorandum clearly stated the aim of economic aggression as generating 'hunger, desperation and overthrow of government'. The legal mechanisms, the sanctions regime, set up to achieve that remain in place. They are one instrument in the US toolkit to achieve regime change on the island. There has been little evidence that the objective of US policy towards Cuba has changed since then.

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